

HOUSE BILL 202

F1
HB 462/10 – HGO

1lr1376

By: **Delegates Kaiser, Bobo, Cane, Carr, Clippinger, Frick, Gutierrez, Guzzone, Hixson, Ivey, Luedtke, McIntosh, A. Miller, Reznik, B. Robinson, Rosenberg, F. Turner, Waldstreicher, Washington, and Zucker**

Introduced and read first time: January 28, 2011
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2011

CHAPTER _____

1 AN ACT concerning

2 **Education – Discrimination Prohibited – Protected Classes**

3 FOR the purpose of conforming provisions of law relating to discrimination in the
4 employment of ~~teachers in the public schools~~ public school employees in the
5 State to other provisions of State law governing discrimination in employment;
6 and generally relating to protected classes of employees under provisions of law
7 governing discrimination in the employment of ~~teachers in the public schools~~
8 public school employees in the State.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 6–104
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 6–104.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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1 (a) This section applies to the appointment, assignment, compensation,
 2 promotion, transfer, dismissal, and any other matter that relates to the employment of
 3 ~~teachers in the public schools~~ **PUBLIC SCHOOL EMPLOYEES** in this State.

4 (b) The State Superintendent, a county board, a county superintendent, or
 5 an assistant to any one of these may not make any distinction or discriminate in favor
 6 of or against any ~~teacher in the employment of a public school~~ **PUBLIC SCHOOL**
 7 **EMPLOYEE** of this State because of race, religion, color, **ANCESTRY OR** national
 8 origin, [handicap, or] sex, **AGE, MARITAL STATUS, SEXUAL ORIENTATION, OR**
 9 **DISABILITY UNRELATED IN NATURE AND EXTENT SO AS TO REASONABLY**
 10 **PRECLUDE THE PERFORMANCE OF THE EMPLOYMENT** except[:

11 (1) ~~As], AS~~ to sex, if the employment of a certain sex is reasonably
 12 necessary because of the nature of the employment[; and

13 (2) As to handicap, if the handicap adversely affects the person's
 14 ability to perform the duties of the position].

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 16 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.